

1 **BURCH & CRACCHIOLO, P.A.**

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7 Howard C. Meyers, SBA #005007

8 Attorneys for Timothy Ray Wright

9 **IN THE UNITED STATES BANKRUPTCY COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 In re:

12 **TIMOTHY RAY WRIGHT,**

13 Debtor and
14 Debtor-in-Possession

15 **PHH MORTGAGE CORPORATION,**

16 Movant,

17 v.

18 **TIMOTHY RAY WRIGHT, Debtor and**
19 **Debtor-In-Possession**

20 Respondent.

Chapter 11 Proceedings

Case No. 2:09-bk-32244

**DEBTOR IN POSSESSION'S
OBJECTION TO PHH MORTGAGE
CORPORATION'S MOTION FOR
STAY RELIEF**

RE: Real Property Located at
129 E Vista Del Cerro Dr
Tempe, AZ 85281

21
22 Timothy Ray Wright, debtor and debtor-in-possession in the above-
23 captioned case (hereafter "Debtor"), appearing by and through his counsel
24 undersigned Burch & Cracchiolo, P.A., hereby responds in opposition to the
25 Motion to Lift Stay of PHH Mortgage Corporation (Administrative Docket Item 146)
26

1 (hereafter "Motion") and respects that the same be denied upon the following
2 grounds:

3 1. The interest of PHH Mortgage Corporation (hereafter "Secured
4 Creditor") in the real property located at 129 E. Vista Del Cerro Dr., Tempe,
5 Arizona (hereafter "Collateral") which is the subject of the Secured Creditor's
6 Motion is adequately protected under the instant circumstances thus precluding
7 the existence of cause to support the granting of stay relief as required by 11
8 U.S.C. § 362(d)(1). The value of the Collateral is stable and the Collateral is
9 maintained in good condition. The Secured Creditor's claim as asserted in the
10 Motion total amount of \$260,000.00 plus accruing interest, costs and attorneys
11 fees while the fair market value of the Collateral is \$285,000.00. Thus, the Debtor
12 has equity in the Collateral and the interest of the Movant is protected by an
13 equity cushion of approximately \$25,000.00. In addition, the Debtor has on hand
14 sequestered cash collateral in which the Secured Creditor has an interest which
15 provides additional collateral security and adequate protection for the benefit of
16 the Secured Creditor.

17
18
19 2. The Collateral is comprised of a single family residence with a guest
20 house. The Collateral generates \$1,527.00 per month in rent (\$18,324.00 per
21 annum).

22
23 3. The Collateral which is the subject of the Secured Creditor's Motion
24 is indispensable to an effective reorganization and, because the Debtor has equity
25 in the Collateral, there are not grounds for relief to be granted pursuant to 11
26

1 U.S.C. § 362(d)(2).

2 4. A true and correct copy of the Residential Appraisal Report of
3 Susan S. Miller, Certified Residential Real Estate Appraiser, Arizona State
4 Board of Appraisal Certification #20019, with respect to the Collateral valuing
5 the Collateral at a market value of \$285,000.00 as of December 3, 2009, just
6 immediately prior to the December 14, 2009, Chapter 11 petition date, is
7 annexed hereto as Exhibit "A" and incorporated by this reference.
8

9 WHEREFORE, the Debtor requests that this Court enter its Order denying
10 the Secured Creditor's Motion and grant such other and further relief as the Court
11 deems just and proper.
12

13 DATED this 17th day of March, 2010.

14 BURCH & CRACCHIOLO, P.A.
15

16 By: /s/ Howard C. Meyers, SBA#005007
17 Howard C. Meyers, Of Counsel
18 702 East Osborn Road, Suite 200
19 P.O. Box 16882
20 Phoenix, Arizona 85011
Attorneys for Timothy Ray Wright,
Debtor and Debtor-In-Possession

21 Original Filed Electronically
22 with the United States Bankruptcy
23 Court for the District of Arizona
this 17th day of March, 2010.

24 Copy of the foregoing sent via
25 ECF to the following:
26

• • • •

1 All parties who have filed
2 Notices of Appearance

3 Copy of the foregoing
4 mailed this 17th day of
March, 2010, to:

5 U.S. Trustee's Office
6 230 N. First Ave., Suite 204
Phoenix, AZ 85003

7
8 Mark S. Bosco
9 Leonard J. McDonald
10 Tiffany & Bosco
2525 E. Camelback Road
Suite 300
Phoenix, AZ 85016

11
12 /s/ Becky Chesley

EXHIBIT "A"

SUMMARY APPRAISAL

Residential Appraisal Report

The purpose of this summary appraisal report is to provide the client with an accurate, and adequately supported, opinion of the market value of the subject property.																																																																																																																																																									
Property Address	129 East Vista Del Cerro Drive City Tempe State AZ Zip Code 85281																																																																																																																																																								
Owner	WRIGHT Intended User Wright, Timothy R. County Maricopa																																																																																																																																																								
Legal Description	Lot 9, Block 2, University Estates (MCR 046-05)																																																																																																																																																								
Assessor's Parcel #	133-16-040 Tax Year 2009 R.E. Taxes \$ 2,445.50																																																																																																																																																								
Neighborhood Name	Tempe Map Reference Page 149, LX-172 Census Tract 3190.00																																																																																																																																																								
Occupant	Owner <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Vacant <input type="checkbox"/> Special Assessments \$ None Assumed <input type="checkbox"/> PUD <input type="checkbox"/> HOA \$ N/A per year per month																																																																																																																																																								
Property Rights Appraised	<input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Other (describe)																																																																																																																																																								
Intended Use	Asset Management																																																																																																																																																								
Client	Timothy R. Wright Address 727 West University Drive, Tempe, AZ 85281																																																																																																																																																								
Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																																																																																																									
Report data source(s) used, offerings price(s), and date(s). The subject has not been listed for sale in MLS in the past twelve months.																																																																																																																																																									
I <input type="checkbox"/> did <input type="checkbox"/> did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. N/A																																																																																																																																																									
Contract Price \$ Date of Contract Is the property seller the owner of public record? <input type="checkbox"/> Yes <input type="checkbox"/> No Data Source(s)																																																																																																																																																									
Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the purchaser? <input type="checkbox"/> Yes <input type="checkbox"/> No																																																																																																																																																									
If Yes, report the total dollar amount and describe the items to be paid. N/A																																																																																																																																																									
Note: Race and the racial composition of the neighborhood are not appraisal factors.																																																																																																																																																									
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Neighborhood Boundaries 1st Street to the North, Mill Avenue to the East, Broadway Road to the South and Priest Drive to the West.																																																																																																																																																									
Neighborhood Description Subject neighborhood primarily consists of mature single family and multi-family developments of average quality construction. This is a strong demand area, located near Arizona State University, a major employer. Freeway access is within 2 miles, providing good access to Phoenix city centers. All residential related facilities are nearby. No adversities noted.																																																																																																																																																									
Market Conditions (including support for the above conclusions) Local/national economies are currently slow & real estate market conditions are soft, following a period of strong appreciation seen in 2004 to mid 2006. A period of significant price decline was seen following a growth period, from 2007-early 2009, however, current pricing appears to be stabilizing due to a limited supply of homes for sale.																																																																																																																																																									
Dimensions 71' x 121.30' x 72' x 122.53' Area 8,717 +/-sf Shape Rectangular View Residential																																																																																																																																																									
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Zoning Compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal Nonconforming (Grandfathered Use) <input type="checkbox"/> No Zoning <input type="checkbox"/> Illegal (describe)																																																																																																																																																									
Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe.																																																																																																																																																									
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Are the utilities and/or off-site improvements typical for the market area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe.																																																																																																																																																									
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Effective Age (Yrs)	35-40	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement		Screens	None	<input type="checkbox"/> Driveway <input type="checkbox"/> # of Cars																																																																																																																																																			
Attic	<input type="checkbox"/> None	Heating <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWB <input type="checkbox"/> Radiant		Amenities		Woodstove(s) #	Driveway Surface Concrete																																																																																																																																																		
<input type="checkbox"/> Drop Stair <input type="checkbox"/> Stairs		<input type="checkbox"/> Other <input type="checkbox"/> Fuel Gas		Fireplace(s) #	<input checked="" type="checkbox"/> Fence Block	<input type="checkbox"/> Garage <input type="checkbox"/> # of Cars																																																																																																																																																			
<input type="checkbox"/> Floor <input checked="" type="checkbox"/> Scuttle		Cooling <input checked="" type="checkbox"/> Central Air Conditioning		<input checked="" type="checkbox"/> Patio/Deck <input checked="" type="checkbox"/> Con <input checked="" type="checkbox"/> Porch Cvd		<input checked="" type="checkbox"/> Carport <input type="checkbox"/> # of Cars	1																																																																																																																																																		
<input type="checkbox"/> Finished <input type="checkbox"/> Heated		<input type="checkbox"/> Individual <input type="checkbox"/> Other		<input type="checkbox"/> Pool <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Att. <input type="checkbox"/> Det <input type="checkbox"/> Built-in																																																																																																																																																			
Appliances <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)																																																																																																																																																									
Finished area above grade contains: 5 Rooms 3 Bedrooms 2.00 Bath(s) 1,626 Square Feet of Gross Living Area Above Grade																																																																																																																																																									
Additional features (special energy efficient items, etc.) Stained wood kitchen cabinets, laminate kitchen counter, tile and carpet flooring, tiled showers and tile bath floors, mini-blinds, family room with built-in shelving, separate guest house.																																																																																																																																																									
Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). The subject is in average condition for the area and age. No functional obsolescence noted. Floor plan is functional. Subject is currently for rent at \$1,527/mo. Subject has a separate guest house with full bath and a wet bar. There is no cooking element, therefore it is not considered a full kitchen. Subject's guest house is in below average condition, therefore is given minimal contribution to market value. Subject's bath has an updated vanity and tile shower.																																																																																																																																																									
Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe																																																																																																																																																									
This appraiser is not a professional home inspector and is not qualified for this purpose. If this is significant to the intended user of this report, it is recommended that a professional home inspector is hired for this purpose.																																																																																																																																																									
Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe																																																																																																																																																									

Residential Appraisal Report

There are 35 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 69,000 to \$ 550,000	
There are 59 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 83,000 to \$ 520,000	
FEATURE	SUBJECT
Address	129 East Vista Del Cerro Drive Tempe, Arizona 85281
Proximity to Subject	0.08 miles SE
Sale Price	\$ 365,000
Sale Price/Gross Liv. Area	\$ 0.00 sq. ft.
Data Source(s)	MLS/ Assessor
Verification Source(s)	Inspection
VALUE ADJUSTMENTS	DESCRIPTION
Sale or Financing	N/A
Concessions	N/A
Date of Sale/Time	7/17/09 (6/18 CD)
Location	Very Good
Leasehold/Fee Simple	Fee Simple
Site	8,717 +/-sf
View	Residential
Design (Style)	Ranch / Avg
Quality of Construction	Block/Asphalt
Actual Age	60 yrs
Condition	Avg
Above Grade	Total Bdrms Baths
Room Count	5 3 2.00
Gross Living Area	1,626 sq. ft.
Basement & Finished	367sf Gst-Fair
Functional Utility	Average
Heating/Cooling	A/C
Energy Efficient Items	Typical
Garage/Carport	1 Carport
Porch/Patio/Deck	Porch
Fireplace(s)	No Fireplace
Site Imprv / Fence	Block
Upgrades	Below Avg
Net Adjustment (Total)	\$ -21,800
Adjusted Sale Price of Comparables	\$ 343,200
I <input checked="" type="checkbox"/> did not research the sale or transfer history of the subject property and comparable sales. If not, explain	
NMD = No Market Difference	
My research <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.	
Data source(s) MLS & Assessor Records	
My research <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.	
Data source(s) MLS & Assessor Records	
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).	
ITEM	SUBJECT
Date of Prior Sale/Transfer	No Sales History - 3 Yrs
Price of Prior Sale/Transfer	No Sales History - 3 Yrs
Data Source(s)	MLS & Assessor Records
Effective Date of Data Source(s)	Date of Inspection
Analysis of prior sale or transfer history of the subject property and comparable sales	
Comp 1: Days On Market - 142 Original list price \$429,000	
Comp 2: Days On Market - 132 Original list price \$349,999	
Comp 3: Days On Market - 248 Original list price \$449,900	
Summary of Sales Comparison Approach All of the sales used in this analysis were from the subject market area. All of the comps were considered good indicators of value and were given weight in the final value conclusion. See attached for additional comments.	
Indicated Value by Sales Comparison Approach \$ 285,000	
Indicated Value by: Sales Comparison Approach \$ 285,000 Cost Approach (if developed) \$ N/A Income Approach (if developed) \$ 181,700	
The Market Approach is considered the best indicator of value in this market place and is given most weight. The Cost Approach was considered but not applied as it is not found to be reliable on maturing homes due to the subjective estimate of physical depreciation. The income approach is given secondary emphasis.	
This appraisal is made <input checked="" type="checkbox"/> "as is," <input type="checkbox"/> subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or <input type="checkbox"/> subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair. This Summary Appraisal report is made in "as is" condition for the owner for asset management purposes.	
Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ 285,000, as of 12/03/2009, which is the date of inspection and the effective date of this appraisal.	

Residential Appraisal Report

ADDENDUM CLARIFYING SCOPE OF WORK, INTENDED USER, AND TERMINOLOGY

Appraisal is a branch of applied economics. It is distinct from the applied sciences (engineering, surveying, mold or environmental testing, etc.), from the building trades (home inspection, pest and dry rot inspection, roof inspection, construction, etc.), and from the applied arts (architecture, home design or drafting).

The appraiser is not a home inspector and the appraisal report is not a home inspection. The appraisal report cannot be relied upon to disclose defects that are hidden or defects that are not apparent to an individual trained as an appraiser, and not trained in any of the other disciplines detailed in the preceding paragraph, from a visual observation of the surfaces of the subject property.

The testing of systems (structural, electrical, mechanical, heating, cooling, plumbing) and components (such as appliances, fixtures, doors, windows, etc.) lies outside of the scope of this appraisal assignment.

This report is not intended for use by the borrower for the purpose of identifying any adverse conditions in the subject's systems and components which might be revealed by any inspections by licensed professionals in any relevant field. This appraisal does not guarantee that the subject property is free of undetected problems, possible defects or environmental hazards that could exist.

Easements, encroachments, environmental conditions, hazardous wastes, toxic substances and detrimental land uses are reported only as visually observed at the site or known in the neighborhood or as reported to appraiser during the course of research. Site and utility easement typical of the neighborhood likely exist but were not researched as part of the scope of work. Scope of work does not include an attempt to research subject's title or legal documents. Appraiser has no expertise in the areas of law, title searching or environmental hazards or inspection for environmental conditions. Scope of work does not include determining if permits for work done on the property have been secured, if any required inspections by local building inspectors were performed, or if any certificates of occupancy have been properly completed. Scope of work does not include determination of code or zoning compliance. No soil reports, environmental audits, site assessments, or health department reports have been reviewed. Scope of work does not include any additional verification of any of these items and client is invited to employ the services of appropriate experts if any of these areas not covered by this scope of work are of concern. Complete visual inspection of the subject property: A visual observation of the accessible areas and unobstructed, exposed surfaces of the interior and exterior living area without removal of personal possessions.

Intended User: The intended user of this report is the client. The Intended Use is to evaluate the property that is the subject of this appraisal for asset management purposes, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by this appraiser.

Use: Reading the appraisal report or possessing the report does not constitute use. Relying on the appraisal report to understand how the appraiser developed the opinion of value does not constitute use. Use means relying on the appraisal report to make a decision or to take an action.

As of the date of this report, Susan S. Miller, SRA has not completed the requirements under the continuing education program of the Appraisal Institute.

The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. Use of this report is subject to requirements of the Appraisal Institute relating to review by its duly authorized representatives.

COST APPROACH TO VALUE (If applicable)

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value)

ESTIMATED	REPRODUCTION OR	REPLACEMENT COST NEW	OPINION OF SITE VALUE	
Source of cost data			Dwelling 1,626	Sq. Ft. @ \$ = \$
Quality rating from cost service	Effective date of cost data		Gst Hse 367	Sq. Ft. @ \$ = \$
Comments on Cost Approach (gross living area calculations, depreciation, etc.)				
Cost Approach is not found to be reliable on maturing homes due to the subjective estimate of physical depreciation.			Garage/Carport 270	Sq. Ft. @ \$ = \$
			Total Estimate of Cost-new	= \$ 0
			Less Physical	Functional
			Depreciation	External
			Depreciated Cost of Improvements	= \$ ()
			"As-is" Value of Site Improvements	= \$
Estimated Remaining Economic Life (HUD and VA only)			Years	Indicated Value By Cost Approach = \$

INCOME APPROACH TO VALUE (If applicable)

Estimated Monthly Market Rent \$ 1,540 X Gross Multiplier 118.00 = \$ 181,700 Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM) Subject's market rent is estimated at \$.77/sf/month. GRM's were extracted from the market with a median GRM of 118 deemed reasonable. GRM's ranged between 80 - 137.

PROJECT INFORMATION FOR PUDs (If applicable)

Is the developer/builder in control of the Homeowner's Association (HOA)? ☐ Yes ☐ No Unit type(s) ☐ Detached ☐ Attached

Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.

Legal Name of Project N/A

Total number of phases Total number of units Total number of units sold

Total number of units rented Total number of units for sale Data source(s)

Was the project created by the conversion of existing building(s) into a PUD? ☐ Yes ☐ No If Yes, date of conversion.

Does the project contain any multi-dwelling units? ☐ Yes ☐ No Data source.

Are the units, common elements, and recreation facilities complete? ☐ Yes ☐ No If No, describe the status of completion.

Are the common elements leased to or by the Homeowner's Association? ☐ Yes ☐ No If Yes, describe the rental terms and options.

Describe common elements and recreational facilities.

Miller Pipher, Inc (502) 266-6655
COMMENT ADDENDUM

File No. 133-16-040

Borrower **WRIGHT**

Property Address **129 East Vista Del Cerro Drive**

City **Tempe**

County **Maricopa**

State **AZ**

Zip Code **85281**

Lender/Client **Timothy R. Wright**

Address **727 West University Drive, Tempe, AZ 85281**

GENERAL COMMENTS:

The subject and comparables utilized are from an area of older, single family homes of average to fair construction quality. Most homes in the area are in need of some type of updating and/or routine maintenance which would be typical for homes of this age. Subject has a favorable location with very close proximity to the campus of Arizona State University and Mill Avenue.

MARKET CONDITIONS - Market statistics from MLS for the subject market area (see page 2)

Marketing times are typically 60 - 90 days.

Foreclosure properties are a factor in this market at approximately 54% of sales in the past year.

Median sales price from 11/2008 - 05/2009 was \$160,000 and the last quarter was \$161,500.

Median listing prices from the same two periods range from \$220,000 to \$182,700.

Based on sales and listing data, pricing is relatively stable at this time and no adjustment was made to the comparables for date of sale.

Absorption Rate = There is an approximate 12 month supply of homes for sale in competition with subject (similar in size and age), based on 35 active listings found in MLS, and 59 sales recorded in the past year (see page 2 statistics).

SALES COMPARISON COMMENTS:

Sales were searched throughout the subject market area which were most similar to the subject in dwelling size, construction quality, age/condition, location, lot size and amenities. The sales used in the Sales Comparison Analysis were the most recent and most similar comparables found. All of the sales were located in the subject's market area near ASU, the light rail line, Mill Avenue shopping, and dining, etc.

Sale 1 is considered a similar distance to ASU located in University Estates. It has been well maintained over the years and was recently updated with plumbing, painting and carpet. The kitchen has painted wood cabinets, laminate counters and standard appliances. It has upgraded ceiling fans, brick fireplace and a free standing storage workshop.

Sale 2 is located in close proximity to ASU. It has been remodeled with new carpet, tile flooring, two tone paint inside and out, new appliances with stainless steel refrigerator, granite tiled backsplash and updated baths. It has a fireplace, ceiling fans, french door and a game room that has closet and could be fourth bedroom. The back yard has block fence and rear parking access.

Sale 3 is located in similar proximity to ASU and is in the Tempe Historic ASU University Estates. It is mostly original in features. It has mature landscaping with large Pecan trees in rear. There is an exterior flagstone patio in rear yard with a built-in fireplace. It is noted that due to a lack of recent sales, Sale #3's date of sale is past 6 months however it does not have a negative impact on value based on market conditions stabilizing.

All of the sales used in this analysis were found to be good indicators of value and were given weight in the final value conclusion. No financing adjustments were found to be necessary.

RENTAL DATA:

Rental comparables were searched throughout the subject area that were similar in quality, size and age to subject. A few rentals were found in the MLS service, and several others were provided by the property owner.

Area rents for 3 Bd/2 Ba single family homes built between 1948 - 1968 range from \$0.51 - \$0.99 with an overall mean of \$0.77.

Area rents for 3 Bd/1Ba single family homes built between 1948- 1968 range from \$0.92 - \$1.18. with an overall mean of \$1.04.

Tenants typically pay utilities. Limited rents were found in MLS since this market area typically rents with only signage.

Miller Pipher, Inc (602) 266-6655
SUBJECT PHOTO ADDENDUM

File No. 133-16-040

Borrower **WRIGHT**

Property Address **129 East Vista Del Cerro Drive**

City **Tempe**

Courty **Maricopa**

State **AZ**

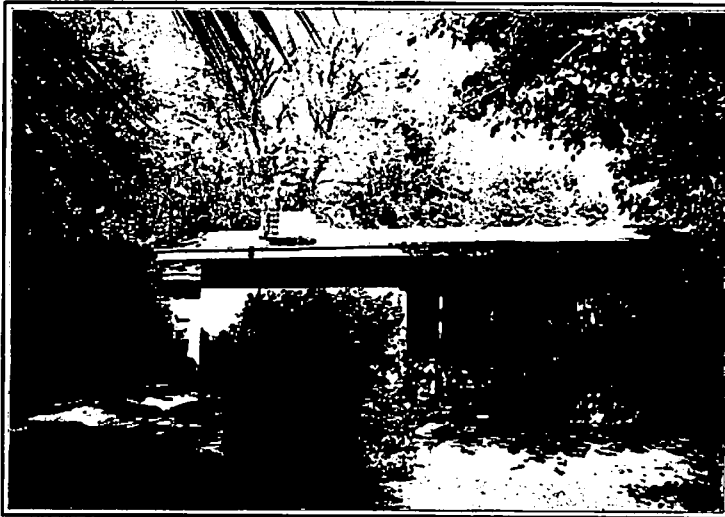
Zip Code **85281**

Lender/Client **Timothy R. Wright**

Address **727 West University Drive, Tempe, AZ 85281**



**FRONT OF
SUBJECT PROPERTY**
129 East Vista Del Cerro Drive
Tempe, Arizona 85281



**REAR OF
SUBJECT PROPERTY**



STREET SCENE

Miller Pipher, Inc (602) 266-6655
SUBJECT PHOTO ADDENDUM

File No. 133-16-040

Borrower **WRIGHT**

Property Address **129 East Vista Del Cerro Drive**

City **Tempe**

County **Maricopa**

State **AZ**

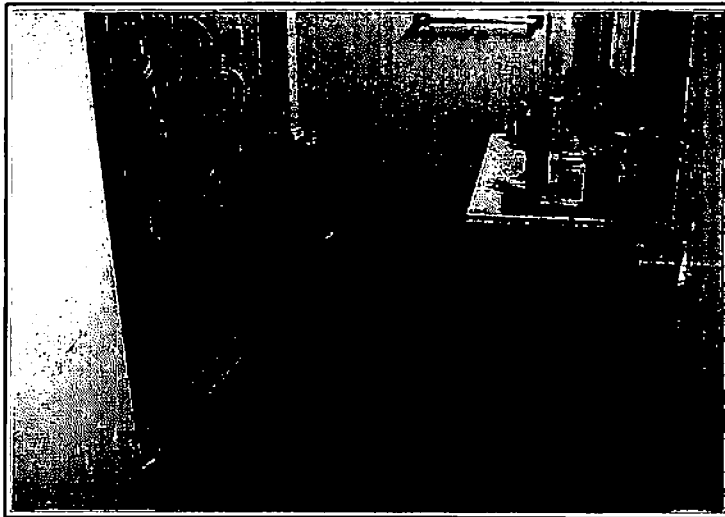
Zip Code **85281**

Lender/Client **Timothy R. Wright**

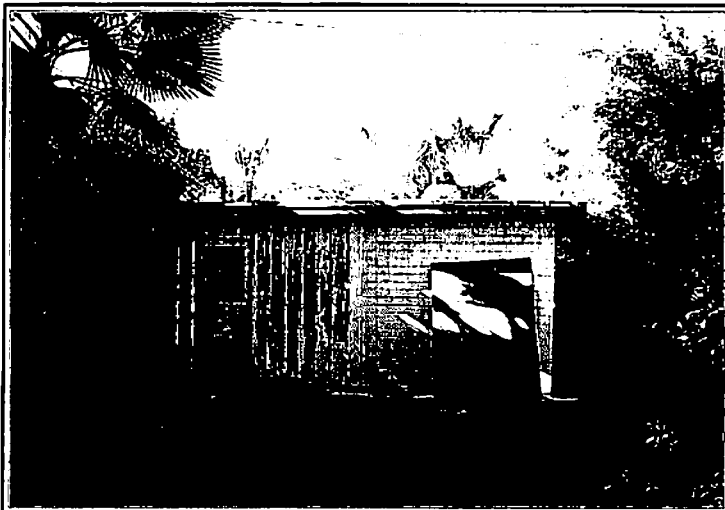
Address **727 West University Drive, Tempe, AZ 85281**



Kitchen



Bath



Guest House

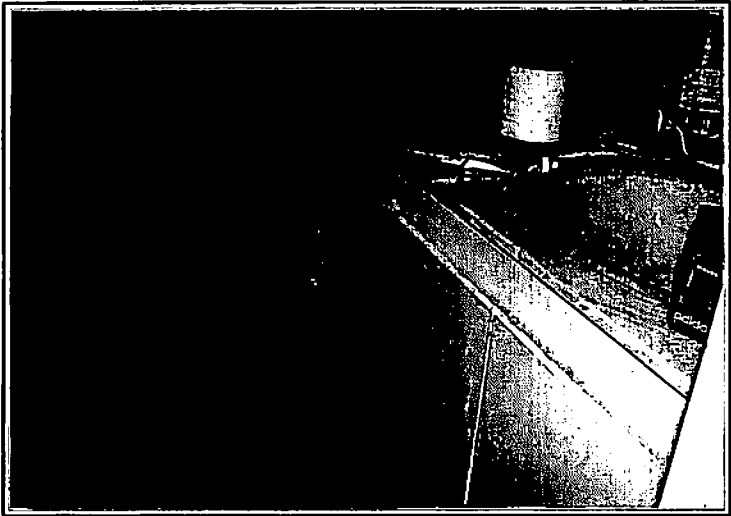
Miller Pipher, Inc (602) 266-6655
SUBJECT PHOTO ADDENDUM

File No. 133-16-040
Case No.

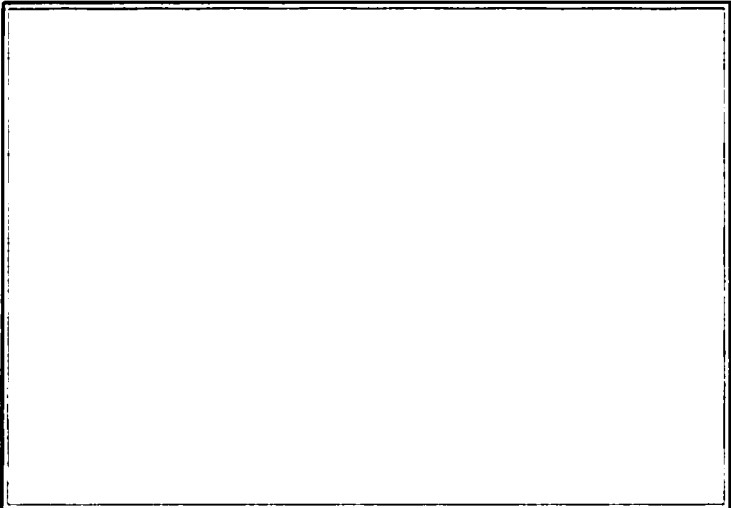
Borrower	WRIGHT				
Property Address	129 East Vista Del Cerro Drive				
City	Tempe	County	Maricopa	State	AZ
				Zip Code	85281
Lender/Cient	Timothy R. Wright		Address	727 West University Drive, Tempe, AZ 85281	



Guest House/Wet Bar



Guest House/Bath



Borrower **WRIGHT**

Property Address **129 East Vista Del Cerro Drive**

City **Tempe**

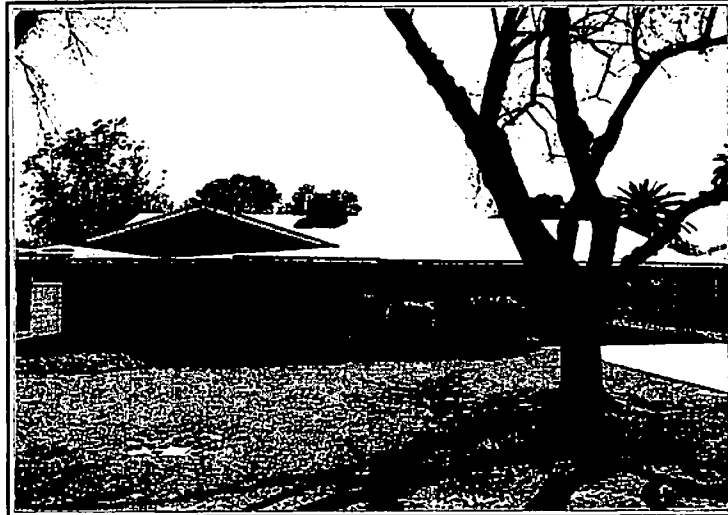
County **Maricopa**

State **AZ**

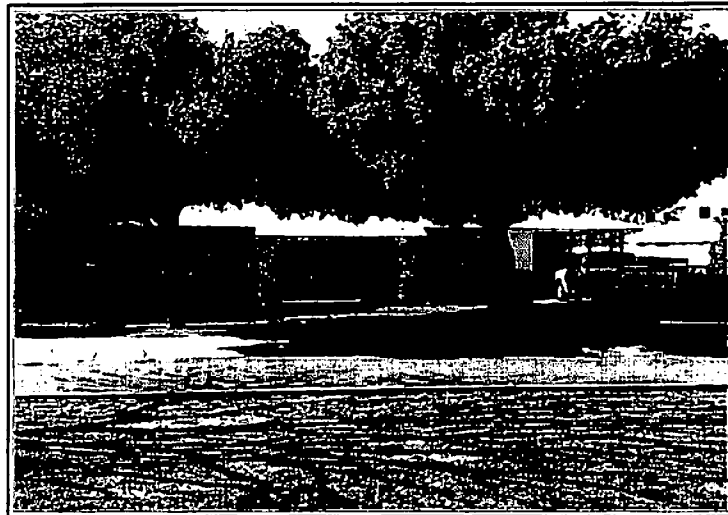
Zip Code **85281**

Lender/Client **Timothy R. Wright**

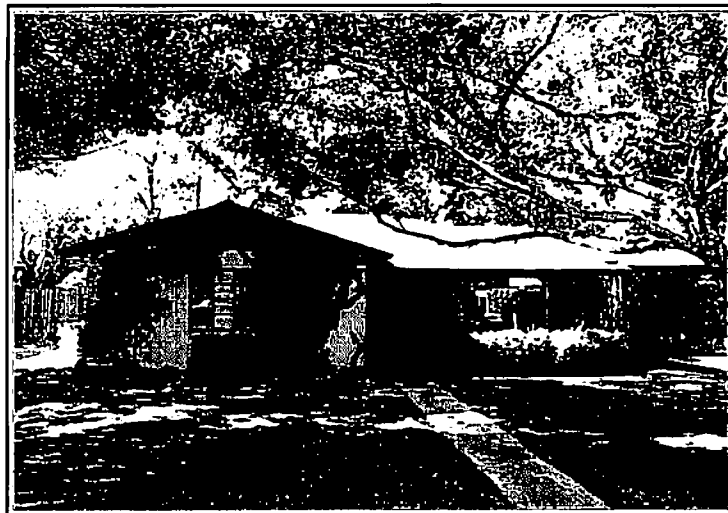
Address **727 West University Drive, Tempe, AZ 85281**



COMPARABLE SALE # 1
115 East Encanto Drive
Tempe, Arizona 85281

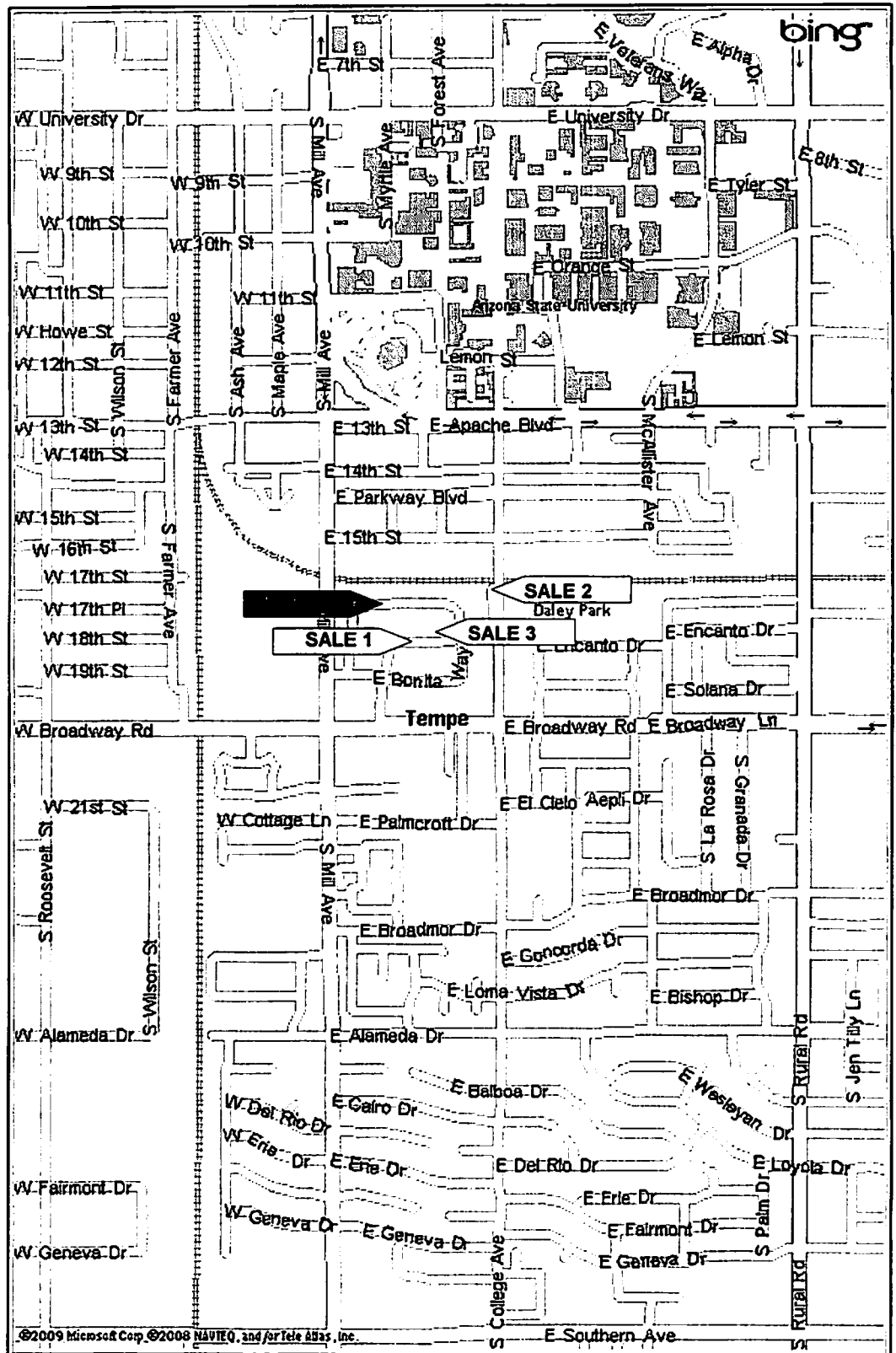


COMPARABLE SALE # 2
1610 South College Avenue
Tempe, Arizona 85281



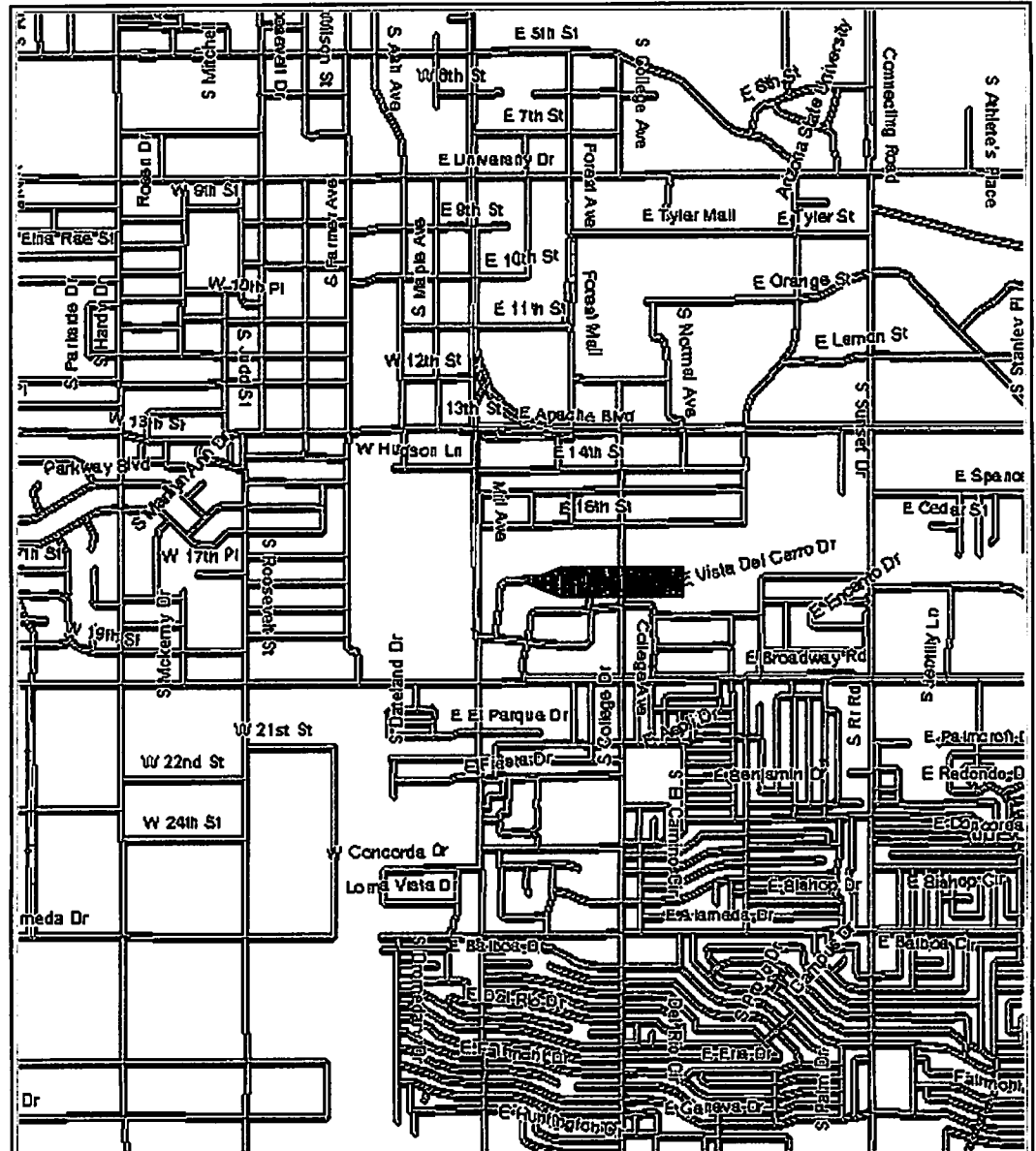
COMPARABLE SALE # 3
131 East Encanto Drive
Tempe, Arizona 85281

Property Address	129 East Vista Del Cerro Drive		
City	Tempe	County	Maricopa
		State	AZ
		Zip Code	85281
Lender/Cient	Timothy R. Wright		
Address	727 West University Drive, Tempe, AZ 85281		



File No. 133-16-040

Address 727 West University Drive, Tempe, AZ 85281



Flood Zone Determination

SFHA (Flood Zone): Out

Within 250 ft. of multiple flood zone? No

Community: 040054

Community Name: TEMPE, CITY OF

Zone: X50 Panel: 040054 2165H

FIPS Code: 04013 Census Tract: 3190.00

This Flood Report is for the sole benefit of the Customer that ordered and paid for the Report and is based on the property information provided by the customer. That customer's use of this report is subject to the terms agreed by that customer when accessing this product. No third party is authorized to use or rely on this report for any purpose. NEITHER FIRST AMERICAN FLOOD DATA SERVICES NOR THE SELLER OF THIS REPORT MAKES ANY REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT ACCURACY OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Neither FAFDS nor the seller of this Report shall have any liability to any third party for any use or misuse of this Report.

Miller Pipher, Inc (602) 266-6655
SKETCH ADDENDUM

File No. 133-16-040

Borrower **WRIGHT**

Property Address **129 East Vista Del Cerro Drive**

City **Tempe**

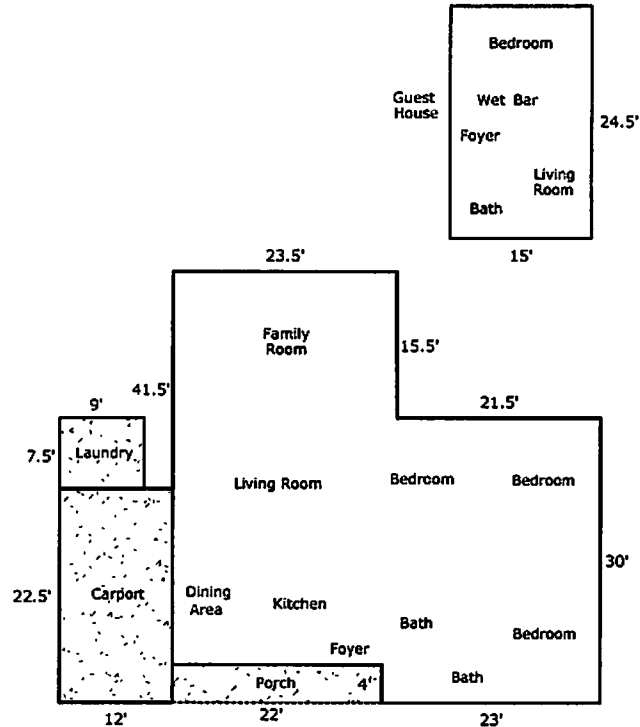
County **Maricopa**

State **AZ**

Zip Code **85281**

Lender/Client **Timothy R. Wright**

Address **727 West University Drive, Tempe, AZ 85281**



Sketch by Apex Medline™

Comments:

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1626.3	1626.3
CAR	Carport	270.0	270.0
P/P	Porch	88.0	88.0
OTH	Guest House	367.5	
	Laundry/Stg	67.5	435.0

LIVING AREA BREAKDOWN

Breakdown			Subtotals
First Floor			
45.0	x	26.0	1170.0
4.0	x	23.0	92.0
15.5	x	23.5	364.3

Net LIVABLE Area (rounded) 1626 3 Items (rounded) 1626

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The Appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: As per Fannie Mae the definition of market value is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

21. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

22. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Cathy L. King
 Name Cathy L. King
 Company Name Miller Pipher, Inc (602) 266-6655
 Company Address 3135 E Turney Ave
Phoenix, AZ 85016
 Telephone Number 602-266-6655
 Email Address N/A
 Date of Signature and Report 12/10/2009
 Effective Date of Appraisal 12/03/2009
 State Certification # 21852
 or State License # _____
 or Other (describe) _____ State # _____
 State AZ
 Expiration Date of Certification or License 1/31/2010

ADDRESS OF PROPERTY APPRAISED

129 East Vista Del Cerro Drive
Tempe, Arizona 85281

APPRAISED VALUE OF SUBJECT PROPERTY \$ 285,000

CLIENT

Name _____
 Company Name Timothy R. Wright
 Company Address 727 West University Drive
Tempe, AZ 85281
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature Sue S. Miller
 Name Sue S. Miller, SRA
 Company Name Miller Pipher, Inc. (602) 266-6655
 Company Address 3135 East Turney Avenue
Phoenix, AZ 85016
 Telephone Number 602-266-6655
 Email Address N/A
 Date of Signature 12/10/2009
 State Certification # 20019
 or State License # _____
 State AZ
 Expiration Date of Certification or License 08/31/2010

SUBJECT PROPERTY

- ☐ Did not inspect subject property
☐ Did inspect exterior of subject property from street
 Date of Inspection _____
☒ Did inspect interior and exterior of subject property
 Date of Inspection 12/03/2009

COMPARABLE SALES

- ☐ Did not inspect exterior of comparable sales from street
☒ Did inspect exterior of comparable sales from street
 Date of Inspection 12/03/2009

Borrower WRIGHT

Property Address 129 East Vista Del Cerro Drive

City Tempe

County Maricopa

State AZ

Zip Code 85281

Lender/Client Timothy R. Wright

Address 727 West University Drive, Tempe, AZ 85281

STATE OF ARIZONA
BOARD OF APPRAISAL

BE IT KNOWN THAT

CATHY L. KING

HAS MET ALL THE REQUIREMENTS AS A

Certified Residential Real Estate Appraiser

In accordance with Arizona Revised Statutes
 and an authority of the Board of Appraisal, State
 of Arizona.

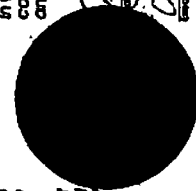
This certificate shall remain evidence thereof
 unless or until the same is suspended, revoked
 or expires in accordance with the provisions of
 law.

CERTIFICATE NUMBER
21852

EXPIRATION DATE

JANUARY 31, 2010

In witness whereof the Arizona Board of Appraisal
 caused to be signed by the Chair of the Board
 and the Executive Director



[Signature]
 Chair of the Board
[Signature]
 Executive Director
 11/24/08
 1/24/10

SHALL REMAIN PROPERTY OF ARIZONA BOARD OF APPRAISAL

Borrower **WRIGHT**Property Address **129 East Vista Del Cerro Drive**City **Tempe**County **Maricopa**State **AZ**Zip Code **85281**Lender/Client **Timothy R. Wright**Address **727 West University Drive, Tempe, AZ 85281**

STATE OF ARIZONA
BOARD OF APPRAISAL

BE IT KNOWN THAT

SUSAN S. MILLER

HAS MET ALL THE REQUIREMENTS AS A

Certified Residential Real Estate Appraiser

In accordance with Arizona Revised Statutes
 and on authority of the Board of Appraisal, State
 of Arizona.

This certificate shall remain evidence thereof
 unless or until the same is suspended, revoked
 or expires in accordance with the provisions of
 law.

CERTIFICATE NUMBER

20019

EXPIRATION DATE

AUGUST 31, 2010

In witness whereof the Arizona Board of Appraisal
 caused to be signed by the Chair of the Board
 and the Executive Director

[Signature]
 Chair of the Board
[Signature]
 Executive Director

SHALL BE THE PROPERTY OF ARIZONA BOARD OF APPRAISAL